

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**JERRY ALLAN MIKROBERTS,  
ID #1943963,**

**Petitioner,**

**vs.**

**LORIE DAVIS, Director Texas Department  
Criminal Justice Correctional Institutional  
Division,**

**Respondent.**

**No. 3:17-CV-2331-C-BK**

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

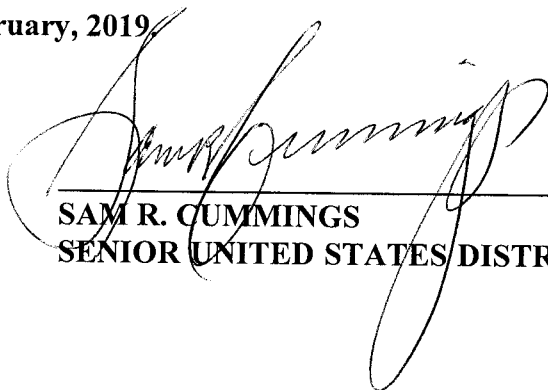
After conducting a *de novo* review of all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, in accordance with 28 U.S.C. § 636(b)(1), the undersigned Senior District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. The Court finds that Petitioner's objections, filed on February 12, 2019, should be **OVERRULED**.

For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, by separate judgment, the Petition for Writ of Habeas Corpus is **DENIED** and all claims **DISMISSED**. Petitioner's request for hearing and motion for leave are also **DENIED**.

Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), this Court finds that a certificate of appealability should be denied. Petitioner has failed to show that reasonable jurists would find (1) this Court's "assessment of the constitutional claims debatable or

wrong,” or (2) “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SIGNED this 14<sup>th</sup> day of February, 2019



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SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE